(1) (Filed SINGLE BENCH

IN THE HON'BLE HIGH COURT OF JUDICATURE, CHHATTISTGARH at BILASPUR.

WRIT PETITION NO. 3235 / 2006.

PETITIONER : **M . VENKATA RAJU**
S/o Late Shri.M.V.Brahmmananda Rao,
Aged around 58 years,
Ex-Master Operative-Cum-Technician,
OHP Section of Bhilai Steel Plant,
BHILAI, District : Durg **(CG)**.
Residing at : Qr. No. 2- A, HSCL Quarters,
Ruwabandha Sector, **BHILAI - 490001**
Tehsil and District : Durg (CG).

P.R. No. 3235/06
Presented by Shri BPRao
dated 31/7/06

VERSUS

RESPONDENTS : 1. **STEEL AUTHORITY OF INDIA LTD.,**
Through : The Chairman,
Steel Authority of India Limited,
Ispat Bhawan, Lodhi Road,
NEW DELHI – 110011.

2. **BHILAI STEEL PLANT,**
Through : The Managing Director,
Bhilai Steel Plant,
Ispat Bhawan, **BHILAI - 490001**
District : Durg (CG).

3. **THE DISABILITY MEDICAL BOARD,**
Through : Its Chairman &
Director I/c (M&HS)
Bhilai Steel Plant,
J.L.N. Hospital & Research Centre,
Sector-9 **BHILAI – 490009**
District : Durg (CG).

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF APPROPRIATE ORDER AND DIRECTIONS IN THE NATURE OF CERTIORARY, MANDAMUS ETC.

(68)

Writ Petition No.3235 of 2006

5-7-2006

Mr. B.P. Rao, counsel for the petitioner.

Heard on admission.

The grievance raised by the petitioner in this writ petition under Article 226 of the Constitution of India is that he was working in Bhilai Steel Plant on the post of Master Operative-cum-Technician. He was appointed on 21-6-1971. However, vide order dated 23-11-2000, the services of the petitioner were terminated on the ground that he is medically unfit. Before that, on the same day, the petitioner moved an application Annexure P-3 stating therein that he has not been found unfit for future employment and he is unfit for the present job only, therefore, he is entitled for rehabilitation i.e. for any alternative job in Bhilai Steel Plant on the same pay scale or grade.

Learned counsel for the petitioner submits that the representation of the petitioner has not been decided by the respondents and as per clause 7.17.3 (v) Memorandum of Agreement on Wages reached between Bhilai Steel Plant & Steel Workers Union on June 17, 1983, the petitioner is entitled for rehabilitation. He further submits that therefore, the respondents be directed to consider the case of the petitioner according to the above scheme for rehabilitation and decide the application of the petitioner dated 23-11-2000 (Annexure P-3).

Having heard learned counsel for the petitioner and having perused the Memorandum of Agreement on Wages reached between Bhilai Steel Plant & Steel Workers Union on June 17, 1983, without expressing any opinion merit, the request made by learned counsel for the petitioner is just, fair and reasonable. Therefore, respondent No.2 is directed to consider the case of the petitioner in accordance with the policy, guidelines and agreement, and decide the application of the petitioner dated 23-11-2000 (Annexure P-3), on its own merit, according to the policy and practice within a period of three months from the date of receipt of a copy of this order.

With the direction aforesaid, the petition stands disposed of.

Consequently, I.A.No.6375/2006 also stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Soma